

REMARKS

Applicant respectfully requests reconsideration.

In the Final Office Action dated September 28, 2004, the Examiner has asserted that, according to *Newton's Telecom Dictionary* (19th updated and expanded edition), a mobile telephone switching office (MTSO) "is a central office." Applicant respectfully disagrees. First, the Examiner has not provided a copy of the page (522) from the dictionary to which the Examiner has cited and Applicant does not have access to the particular edition. Thus, Applicant has been unable to review the definition relied upon by the Examiner. However, based on on-line research conducted by the undersigned, it would appear that the 19th edition of *Newton's Telecom Dictionary* was published in March 2003, which is nearly 2 years after the filing date of the present application. Applicant respectfully requests citation of applicable authority in support of the position that a document published after an application's filing date may be relied upon in the manner asserted by the Examiner. In addition, for the reasons set forth in Applicant's Response of April 30, 2004, MTSOs are not "central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC)."

Also, the statement at page 8, paragraph b, of the Final Office Action appears to reflect a misapprehension of the present invention. The present invention is not concerned with the physical orientation of microwave antennas with respect to each other. The present invention provides, and the claims recite, that "a plurality of microwave transceivers are geographically arranged so as to provide a wireless interoffice facility

(IOF) between two or more central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC).” In accordance with the present invention, microwave transceivers are located (geographically arranged) to provide a wireless IOF between or among physical premises that are controlled by an ILEC. Thus, the present invention provides needed (wireless) bandwidth in geographical locations where there may be insufficient wireless bandwidth or where it may be too costly to provide additional wireline bandwidth due to access restrictions, construction costs, etc.

For the foregoing reasons, reconsideration is requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



Michael E. Attaya
Reg. No. 31,731
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500